

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

Holding a Criminal Term  
Grand Jury Sworn in on August 11, 2021

<b>UNITED STATES OF AMERICA</b>	:	<b>Crim No. 21-cr-34 (CRC)</b>
<b>v.</b>	:	<b>VIOLATIONS:</b>
<b>THOMAS ROBERTSON AND</b>	:	<b>18 U.S.C. §§ 1512(c), 2</b>
<b>JACOB FRACKER,</b>	:	<b>(Obstruction and Aiding and Abetting)</b>
<b>Defendants.</b>	:	<b>18 U.S.C. § 231(a)(3), 2</b>
	:	<b>(Civil Disorder and Aiding and Abetting)</b>
	:	<b>18 U.S.C. § 1752(a)(1) and (b)(1)(A)</b>
	:	<b>(Entering and Remaining in a Restricted</b>
	:	<b>Building)</b>
	:	<b>18 U.S.C. § 1752(a)(2) and (b)(1)(A)</b>
	:	<b>(Disorderly and Disruptive Conduct in a</b>
	:	<b>Restricted Building)</b>
	:	<b>40 U.S.C. § 5104(e)(2)(D)</b>
	:	<b>(Violent Entry and Disorderly Conduct in</b>
	:	<b>a Capitol Building)</b>

**INDICTMENT**

The Grand Jury charges that:

**COUNT ONE**

On or about the January 6, 2021, in the District of Columbia and elsewhere, the defendants, **THOMAS ROBERTSON** and **JACOB FRACKER**, attempted to and did, corruptly obstruct, influence, and impede an official proceeding, that is, a proceeding before Congress, specifically, Congress's certification of the Electoral College vote as set out in the Twelfth Amendment of the Constitution of the United States and 3 U.S.C. §§ 15018, by entering and remaining in the United States Capitol without authority and participating in disruptive behavior.

**(Obstruction of an Official Proceeding and Aiding and Abetting, in violation of Title 18, United States Code, Section 1512(c)(2) and 2)**

**COUNT TWO**

On or about January 6, 2021, within the District of Columbia, the defendant **THOMAS ROBERTSON**, committed and attempted to commit an act to obstruct, impede, and interfere with law enforcement officers lawfully engaged in the lawful performance of his/her official duties incident to and during the commission of a civil disorder which in any way and degree obstructed, delayed, and adversely affected commerce and the movement of any article and commodity in commerce and the conduct and performance of any federally protected function and did aid and abet others known and unknown to do the same.

**(Civil Disorder and Aiding and Abetting, in violation of Title 18, United States Code, Section 231(a)(3) and 2)**

**COUNT THREE**

On or about January 6, 2021, in the District of Columbia, the defendants, **THOMAS ROBERTSON** and **JACOB FRACKER**, did unlawfully and knowingly enter and remain in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President was temporarily visiting, without lawful authority to do so. In doing so, **ROBERTSON**, during and in relation to the offense, did carry a deadly and dangerous weapon, that is, a large wooden stick.

**(Entering and Remaining in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1752(a)(1) and (b)(1)(A))**

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**COUNT FOUR**

On or about January 6, 2021, in the District of Columbia, the defendants **THOMAS ROBERTSON** and **JACOB FRACKER**, did knowingly, and with intent to impede and disrupt the orderly conduct of Government business and official functions, engage in disorderly and disruptive conduct in and within such proximity to, a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President was temporarily visiting, when and so that such conduct did in fact impede and disrupt the orderly conduct of Government business and official functions. In doing so, **ROBERTSON**, during and in relation to the offense, did carry a deadly and dangerous weapon, that is, a large wooden stick.

**(Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1752(a)(2) and (b)(1)(A))**

**COUNT FIVE**

On or about January 6, 2021, in the District of Columbia, **THOMAS ROBERTSON** and **JACOB FRACKER**, willfully and knowingly engaged in disorderly and disruptive conduct in any of the Capitol Buildings with the intent to impede, disrupt, and disturb the orderly conduct in that building of a hearing before and any deliberation of a committee of Congress and either House of Congress.

**(Disorderly Conduct in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(D))**

A TRUE BILL:

FOREPERSON

Matthew M. Graves /jpc  
ATTORNEY FOR THE UNITED STATES  
IN AND FOR THE DISTRICT OF COLUMBIA